

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YOE RODRIGUEZ-MENDEZ, *on behalf of himself, FLSA* :
Collective Plaintiffs and the Class, :
: Plaintiff, :
: : **ORAL ARGUMENT REQUESTED**
v. :
: : Docket No.: 21-cv-08671(JMF)
VILLAGE SUPER MARKET, INC., *et al.*, :
: :
: Defendants. :
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**NOTICE OF DEFENDANTS WAKEFERN FOOD CORP. AND SHOPRITE
SUPERMARKETS, INC.'S MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT Defendants Wakefern Food Corp. and Shoprite Supermarkets, Inc. (collectively for purposes of this motion, the "Wakefern Defendants"), upon the accompanying Memorandum of Law on Behalf of Defendants Wakefern Food Corp. and Shoprite Supermarkets, Inc. in Support of Motion to Dismiss Plaintiff's Amended Complaint; the Declaration of Aaron Warshaw, Esq., together with Exhibits A-B; and upon all of the pleadings and proceedings herein, will move this Court before the Honorable Jesse M. Furman at the U.S. District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, on a date and at a time to be designated by the Court, for an order: (1) dismissing Plaintiff's Amended Complaint against the Wakefern Defendants; (2) striking from Plaintiff's Amended Complaint any purported class or collective claim that cannot stand as a matter of law under Federal Rules of Civil Procedure 12(b)(1), (b)(2), and (b)(6); and/or (3) granting such additional relief as the Court deems appropriate.

Dated: New York, New York
February 16, 2022

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By /s Aaron Warshaw

Aaron Warshaw
Jamie Haar
599 Lexington Avenue, 17th Floor
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*Attorneys for Defendants Wakefern Food
Corp. and Shoprite Supermarkets, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on February 16, 2022, I served, via the Court's electronic filing system, a true and correct copy of the foregoing Defendants Wakefern Food Corp. and Shoprite Supermarkets, Inc.'s Notice of Motion to Dismiss Plaintiff's Amended Complaint; Memorandum of Law on Behalf of Defendants Wakefern Food Corp. and Shoprite Supermarkets, Inc. in Support of Motion to Dismiss Plaintiff's Amended Complaint; and the Declaration of Aaron Warshaw, together with Exhibits A-B, upon all parties registered to receive electronic notice.

/s Aaron Warshaw

Aaron Warshaw